

**Notice of Allowability**

Application No.

10/036,921

Examiner

Kerri M. Dyke

Applicant(s)

MATTSON ET AL.

Art Unit

2667

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 29 December 2005.
2. ☒ The allowed claim(s) is/are 2-11 and 13-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 2. ~~A method as claimed in claim~~ A method for enabling system layout and testing (SLAT) and configuration management of nodes in a consolidated network element (CNE) comprising steps of:

inserting into an overhead part of at least one data frame in each data stream sent from a first to a second interconnected node in the CNE, and identifier of equipment that controls the insertion, a transmit port that transmitted the data frame, a strand through which the data frame was sent and, and equipment type of the identified equipment;

transmitting each of the data frames from respective transmit ports, through respective strands, to respective receive ports of the second node;

receiving the data frames at the respective receive ports;

extracting the overhead parts and processing the overhead parts to assemble messages useful for SLAT and configuration management; and

using the equipment type for automatically setting at least one port parameter setting of the receive port at which the message was received.

***Response to Amendment***

2. Claims 1 and 12 have been canceled.
3. Claims 2, 3, 7, 9, 13, 17, 20, and 21 have been amended.
4. Claims 2-11 and 13-21 are currently pending.

***Response to Arguments***

5. Applicant's arguments, see Oath/Declaration section, filed 12/29/2005, with respect to the omission of the mailing address have been fully considered and are persuasive. The objection of the Oath has been withdrawn.
6. Applicant's arguments, see Drawings section, filed 12/29/2005, with respect to the drawings have been fully considered and are persuasive. The objection of drawings has been withdrawn.
7. Applicant's arguments, see 112 Claim Rejections section, filed 12/29/2005, with respect to claims 13-19 and 21 have been fully considered and are persuasive. The rejection of claims 13-19 and 21 has been withdrawn.
8. Applicant's arguments, see 102 Rejections section, filed 12/29/2005, with respect to claims 1, 3-4, 7-8, and 20-21 have been fully considered and are persuasive. The rejection of claims 1, 3-4, 7-8, and 20-21 has been withdrawn.

***Allowable Subject Matter***

9. Claims 2-11 and 13-21 are allowed.
10. The following is an examiner's statement of reasons for allowance: The independent claims 2, 17, and 20 have each been amended to include the limitation of using the equipment type reported in the overhead section of the packet in order to automatically set at least one port

Art Unit: 2667

parameter setting of the receiving port. The prior art of record does not anticipate this limitation.

When taken as a whole the prior art of record does not render this limitation obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Friday, 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kmd

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800 11/25/06